

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LESLIE J. SHAW,

Plaintiff,

v.

CITIMORTGAGE. INC.; *et al.*,

Defendants.

Case No. 3:13-cv-0445-LRH-VPC

ORDER

Before the court is defendant CitiMortgage, Inc.'s ("CMI") objections to plaintiff Leslie J. Shaw's ("Shaw") filed bill of costs (ECF No. 219). ECF No. 228.

I. Facts and Procedural Background

This is a breach of contract action arising from a residential loan modification agreement between plaintiff Shaw and defendant CMI. In mid-2011, the parties executed a loan modification agreement on Shaw's residential home loan, but CMI breached the agreement prompting Shaw to stop making payments on his modified loan. Shaw then fell into default and CMI initiated non-judicial foreclosure proceedings in early 2013.

On July 26, 2013, Shaw filed a complaint against CMI. ECF No. 1, Exhibit A, p. 8-19. On April 3, 2014, Shaw filed an amended complaint. ECF No. 52. Subsequently, on August 25, 2014, Shaw filed a second amended complaint against CMI alleging eight causes of action. ECF No. 109. A bench trial was held on Shaw's claims from May 3 through May 5, 2016. *See*

1 ECF Nos. 203-05. On August 17, 2016, the court issued an order finding in favor of plaintiff
 2 Shaw and against defendant CMI on several of Shaw's claims. See ECF No. 209. The next day,
 3 August 18, 2016, judgment was issued in favor of Shaw and against CMI in the amount of
 4 \$239,850.00 for Shaw's state law claims, \$6,000.00 for Shaw's federal claim under the Real
 5 Estate Settlement Procedures Act, and \$719,550.00 for punitive damages. ECF Nos. 210-214.
 6 After the judgment, Shaw, as the prevailing party in this action, filed a bill of costs seeking
 7 \$8,183.33 in costs. ECF No. 219. Thereafter, CMI filed the present objections to the bill of costs.
 8 ECF No. 228.

9 **II. Discussion**

10 Pursuant to Rule 54 of the Federal Rules of Civil Procedure and the Local Rules of the
 11 District of Nevada, the prevailing party is entitled to reasonable costs associated with litigating
 12 the action. Fed. R. Civ. P. 54(a); LR 54-1. In this district, a bill of costs must be filed with the
 13 court clerk within fourteen (14) days of judgment. LR 54-1. Generally, a bill of costs is limited to
 14 those specific categories of costs and expenses enumerated in 28 U.S.C. § 1920. These
 15 enumerated costs include: (1) court clerk and marshal fees; (2) transcript costs; (3) witness
 16 disbursements; (4) copies of necessary documents obtained for use in the case; (5) docket fees;
 17 and (6) court appointed services. 28 U.S.C. § 1920; *see also, Arlington Cent. School Dist. Bd. of*
 18 *Educ. V. Murphy*, 548 U.S. 291, 301 (2006). However, a federal court exercising diversity
 19 jurisdiction may also award litigation costs recoverable under a state statute. *Krave Entm't, LLC*
 20 *v. Liberty Mut. Ins. Co.*, 667 F. Supp. 2d 1232, 1237 (D. Nev. 2009).

21 In his filed bill of costs, Shaw requests reimbursement from defendant CMI in the
 22 amount of \$8,183.33. ECF No. 219. In its objections, CMI contends that Shaw's bill of costs
 23 should be reduced by \$3,097.98 for including non-taxable expenses. Specifically, CMI objects to
 24 several categories of expenses including: (1) costs for transcripts and other expenses related to
 25 dismissed defendants; (2) unexplained printing fees; (3) travel expenses associated with out of
 26 town depositions; and (4) unexplained "legal services." The court has reviewed defendant's
 27 objections and finds that with the exception of the objection to the printing fees – for which
 28 Shaw has identified the challenged \$385.66 as the costs for the court's and defendant's copies of

1 his trial exhibits – and the travel expenses associated with out of town depositions – which are
2 recoverable in Nevada pursuant to NRS § 18.005(15) – CMI’s objections are with merit as the
3 remaining challenged costs and expenses are not recoverable. Accordingly, the court shall
4 sustain CMI’s objections except for the \$385.66 in printing costs and the \$944.17 in deposition
5 travel costs and reduce Shaw’s bill of costs by \$1,768.15.

6
7 IT IS THEREFORE ORDERED that defendant’s objections to the bill of costs
8 (ECF No. 228) are SUSTAINED in-part and OVERRULED in-part in accordance with this
9 order.

10 IT IS FURTHER ORDERED that the clerk of court shall tax costs in this action in favor
11 of plaintiff Leslie J. Shaw and against defendant CitiMortgage, Inc. in the amount of \$6,415.18.

12 IT IS SO ORDERED.

13 DATED this 3rd day of November, 2016.

14
15 
16 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE